GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants - Sri L.Muniraja, former Tahsildar, Varikuntapadu Mandal, SPSR Nellore District (Retd) - Disciplinary Proceedings initiated - imposed a penalty of "withholding of 25% of monthly pension permanently' - review petition filed -modify the punishment as "withholding of 10% pension for a period of 5 years" - Orders - Issued.

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REVENUE (VIGILANCE.III) DEPARTMENT

G.O.Rt.No.1160 Dated:19.12.2023.

Read the following:

1. G.O.Rt.No.852, Revenue (Vig.III) Dept, Dt:13.10.2022.
2. Review petition dt:13.12.2022 of Sri L.Muni Raja, Former Tahsildar, Varikuntapadu (M), SPSR Nellore District (Retd).
3. Letter.No.REV01-LANA0CCLV(DISC)/82/2020-Vig.III(2), Dated:20.04.2023
4. From the Secretary, APPSC, Lr.No.GAD03-APPS0DCC/56/2022-DC.SEC-APPSC (Comp.No.1794267), DT:19.05.2023

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ORDER:

Whereas, in the reference 1st read above, orders were issued imposing a penalty of "withholding of 25% of monthly pension permanently' against Sri L.Muniraja, former Tahsildar, Varikuntapadu Mandal, SPSR Nellore District (Retd) under Rule 9 of A.P.Revised Pension Rules, 1980, as the Charges against him on the allegation that after relief from the post of Tahsildar, Varikuntapadu on F.N of 03.07.2017 he has made changes on 04.07.2017 and 05.07.2017 mutating an extant of Ac.20.10 cts A.W Dry/Poramboke land as per the fair Adangal, in favour of 6 individuals in the web land data without any authenticity, is held proved.

2. Aggrieved by the above, Sri L.Muniraja, former Tahsildar, Varikuntapadu Mandal (Retd) has filed a review petition before the Govt with a request to review the orders passed by the Govt in the reference 1st read above and to exonerate him from the charges on the Grounds that his action did not result any financial loss to the Govt ex-chequer and the mistake which was occasioned on account of good faith is revocable either by his successor or by his superior officer .According to the "Doctrine of Proportionality", the quantum of punishment awarded to him is dis-proportionate to the irregularity alleged to have been committed. The said penalty is appeared to have been not suited to the nature of irregularity alleged to have been committed. The lands in question were protected by keeping the same in the Web land. As such construing that the lands involved in this is sold away and caused loss to the Govt., is far from the truth of natural justice.

3. And whereas, after considering the review petition of the appellant, the competent reviewing authority, has observed that though the lands were mutated in webland , they were not transacted as the same were kept under Dispute Register. The entire issue was judiciously reviewed and the punishment imposed is considered excessive and keeping the Doctrine of Proportionality in view,it is proposed to is reduce the punishment to withholding of 10% pension for a period of 5 years. Accordingly, necessary proposals have been sent to the A.P.Public Service Commission for their advice vide reference 3rd read above.

4. And whereas, in the reference 4th read above, the Secretary, APPSC has informed that on thorough examination of the proposal, Commission opined that it has already expressed views before on this matter and there is no reason for a change at this juncture and advised accordingly.

5. After examining the review petition of the individual and advice of the A.P.Public Service Commission, Govt have observed that the advice of the APPSC is

(P.T.O)

not a binding obligation to the Govt as per the orders dated 05.07.2022 (W.P No.128882 of 2019) of the Division Bench of the Hon'ble High Court of A.P in M. Tirupathi Rao Vs state of Andhra Pradesh and also orders of the Hon'ble Supreme Court of India in State of U.P vs Manbodhan Lal Srivastava (AIR 1957 SC 912) in these matters . Govt felt that keeping the Doctrine of Proportionality in view the punishment imposed is considered excessive . Hence , it is decided to modify the punishment of " withholding of 25% of monthly pension permanently' as "withholding of 10% pension for a period of 5 years " against Sri L.MuniRaja, former Tahsildar, Varikuntapadu (M),SPSR Nellore District (Retd).

6. Government, after careful examination of the matter and in exercise the powers conferred under rule 38 (a) (iii) r/w rule 38 (c) of A.P.C.S (CC&A) Rules, 1991 r/w rule 9 of A.P.R.P.Rules, 1980 have decided and hereby modify the punishment of "withholding of 25% of monthly pension permanently' as "withholding of 10% pension for a period of 5 years" against Sri L.Muni Raja, former Tahsildar, Varikuntapadu (M), SPSR Nellore District (Retd).

7. The Chief Commissioner of Land Administration, A.P., Mangalagiri/ the Collector & District Magistrate, SPSR Nellore District shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

To:
Sri L.Muniraja, former Tahsildar, Varikuntapadu Mandal, SPSR Nellore District (Retd)
(**through** the Collector & District Magistrate, SPSR Nellore District)
The Collector & District Magistrate, SPSR Nellore District
Copy to:
The Chief Commissioner of Land Administration, Andhra Pradesh, Mangalagiri.
The Secretary, Andhra Pradesh Public Service Commission, Vijayawada.
The Director of Treasuries & Accounts, A.P., Managalagiri,
The Accountant General, A.P., Vijayawada
Sf/Sc.

//FORWARDED:: BY ORDER//

SECTION OFFICER